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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,936	01/02/2004	David G. Targosky	NEWTP108US	1903
7590		09/21/2007	EXAMINER	
Renner, Otto, Boisselle & Sklar 19th Floor 1621 Euclid Ave. Cleveland, OH 44115			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/750,936	TARGOSKY, DAVID G.
	<b>Examiner</b>	<b>Art Unit</b>
	Samson B. Lemma	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-46 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04/05/04 &amp; 07/11/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

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## **DETAILED ACTION**

1. This is in reply to application filed on January 02, 2003. **Claims 1-46** are pending/examined.

### **Priority**

2. This application does not claim **Priority**. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is

**01/02/2004.**

### **Claim Objections**

3. Claim 9 is objected to because of the following informalities: There is no claim 9 in the claim sequence.
4. Claim 30 is objected to because of the following informalities:  
There are two claims designated as claims 30. Appropriate correction is required. For the sake of examination the limitation recited in both claims is considered.
5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 9 is missing. Thus, **claims 10-29 has been renumbered as 9-28 as per 37 CFR 1.126.**

**Furthermore claims 30 is a duplicate claims, Thus the first claim number 30 is renumbered as claim 29 and the next claim 30 is renumbered as claim 30.**

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. **Claims 1-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahern et al (hereinafter referred as **Ahern**) (U.S. Publication No. 2003/0218578 A1) (filed on Feb 14, 2003) (Submitted with IDS) in view of **Black** (hereinafter referred as **Black**) (U.S. Publication No: 2002/0025062 A1) (Published on Feb 2, 2002) (Submitted with IDS)

Examiner has pointed out particular references contained in the prior arts of record/s in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Note: **The new claim numbering is applied for each claims.**

8. **As per independent claims 1, 9, 15, 27 and 36 Ahern discloses a system for permitting a user to access a KVM system based upon data associated with the user [Paragraph 2- 13], the system comprising:**

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**a KVM switch; at least one user station communicatively coupled to the KVM switch, wherein the user station includes at least one user input device; at least one host computer communicatively coupled to the KVM switch;***[paragraph 2, 5, figure 1, abstract]*

**an authentication device communicatively coupled to the KVM switch and to an identification input device, wherein the authentication device is capable of providing an associated user access to the KVM switch based at least in part upon information received from the identification input device;***[Paragraph 5-7] (For instance the following has been disclosed on paragraph 5, "The system in FIG. 1 provides command, control, and switching of KVM signals between servers 10-15 and workstations 36-40, as well as controlled by MSA application 29 of the system as a whole. The AMS system of FIG. 1 operates independently of software applications on the servers or workstations. In essence, the system is responsible for establishing connectivity paths between users at the workstations 36-40 and servers 10-15, switching and routing of KVM signals throughout the system, user authentication, and software upgrades at the unit end system level as directed by the MSA 29.") and the identification input device is capable of receiving data associated with the user seeking access to the KVM switch from the user station.(see figure 1 and paragraph 5, "user authentication")*

Ahern does not explicitly teach that the identification input device is capable of receiving biometric data associated with the user seeking access. However, in the same field of endeavor Black, on paragraph 0018-0019 discloses that the method for verifying identity of the present invention addresses these needs and revolutionizes the nature of pen-based event access. Positioned at the center of the process is a stylus with any of a number of

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**biometric properties** or their combination or with one or more metric sensors, while the user signs his/her name, or even for writing anything. The identity verification process of the present invention can be used at POS terminals, in various controlled environments, to access a computer network, in applications involving pen-based computers and smart-pens, for e-commerce, conventional writing implements, and multi-purpose writing implements. Furthermore on paragraph 0019, the following has been disclosed. “**The biometric properties that can be captured include, but are not limited to, fingerprints** (fingerprint sensors), voice recognition (e.g.--microphone), facial imaging (e.g.--camera), and DNA and other biotech properties (e.g.--cell capture/analysis sensors). Metric properties include, but are not limited to, grip and point pressure (e.g.--pressure sensors), position of the index finger relative to the point, position of the thumb relative to the index finger (e.g.--thermal sensors), angle of the stylus during usage (e.g.--a gyroscope), speed of signing (e.g.--a timer), increases and decreases of speed during signing (e.g.--an accelerometer). The stylus is either tethered (attached) to each site or is portable, one such stylus being carried by each user.”

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using biometric authentication method as per teachings of **Black** into the method of authentication taught by **Ahern** for the purpose providing the users with privacy they require and ensure integrity of their account with a better processing speed and accuracy. [See paragraph 0017 of Black reference]

9. **As per claims 2, 16, 28-29, 37 the combination of Ahern and Black discloses the method as applied to claims above. Furthermore, Ahern discloses**

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**the method wherein the user input device includes at least one of a keyboard or mouse.** [See at least figure 1, paragraph 2 and 5, "KVM"]

**10. As per claims 3, 17-18, 38 the combination of Ahern and Black discloses the method as applied to claims above. Furthermore, Ahern discloses the method, wherein the identification input device is integral to the KVM switch.** [See at least figure 1, paragraph 2 and 5, "KVM"]

**11. As per claims 4-5, 19-20, 30-31, 39-40 the combination of Ahern and Black discloses the method as applied to claims above. Furthermore, Ahern discloses the method, wherein the authentication device is integral to the KVM switch.**

*[Paragraph 0005 and figure 1]*

**12. As per claims 6-7, 12, 21-22, 32, 41 the combination of Ahern and Black discloses the method as applied to claims above. Furthermore, Black discloses the method, wherein the biometric data is obtained from at least one of a fingerprint scan of the user, a retinal scan of the user, a sampling of the user's DNA, a sampling of the user's voice, a sampling of the user's breath, or a sampling of the user's signature.** [Paragraph 0018-0019] *(Black, discloses on paragraph 0018-0019 discloses that the method for verifying identity of the present invention addresses these needs and revolutionizes the nature of pen-based event access. Positioned at the center of the process is a stylus with any of a number of biometric properties or their combination or with one or more metric sensors, while the user signs his/her name, or even for writing anything. The identity verification process of the present invention can be used at POS terminals, in various controlled environments, to access a computer network, in applications involving pen-based computers and smart-pens, for e-commerce, conventional writing implements, and multi-purpose writing implements and on paragraph 0019, the following has been disclosed. "The biometric properties that can be captured include, but*

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*are not limited to, fingerprints (fingerprint sensors), voice recognition (e.g.--microphone), facial imaging (e.g.--camera), and DNA and other biotech properties (e.g.--cell capture/analysis sensors). Metric properties include, but are not limited to, grip and point pressure (e.g.--pressure sensors), position of the index finger relative to the point, position of the thumb relative to the index finger (e.g.--thermal sensors), angle of the stylus during usage (e.g.--a gyroscope), speed of signing (e.g.--a timer), increases and decreases of speed during signing (e.g.--an accelerometer). The stylus is either tethered (attached) to each site or is portable, one such stylus being carried by each user.")*

**13. As per claims 8, 10-11, 13-14, 23-26, 33-35 and 42-46 the combination of Ahern and Black discloses the method as applied to claims above. Furthermore, Ahern discloses the method, wherein the, wherein the KVM switch provides the user access to a predetermined host computer upon proper authentication. [Figure 1, paragraph 0005 and paragraph 0002-0013]**

### **Conclusion**

**14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am--4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

*S.L.*  
09/01/2007

*[Handwritten Signature]*  
Benjamin G. Lanner  
Examiner AU 2132